

(2)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR.

WRIT PETITION NO. 4706 OF 2000.

Sarindar Singh, son of Shri
Diwan Chand, aged about 40
years, resident of Village Basna,
Tahsil Basna, District Mahasamund,
M.P.

...

PETITIONER.

V E R S U S.

1. Ashok Kumar Sahu, son of Shri
Beharilal Sahu, aged about 42
years, resident of village
Paraskol, Tahsil Basna, District
Mahasamund, M.P.

2. Dr. Ravi Sunder Sahu, son of
Shri Dadhibaman Sahu, resident
of Basna, Tahsil Basna, District
Mahasamund, M.P.

3. Ramratan Patel, son of Shri
Markande Patel, resident of
Kudekel, Post Sirko, Tahsil
Basna, District Mahasamund,
M.P.

4. Sagarchand Patel, son of Shri
Radheshyam Patel, resident of
Barmeladih, Post Mukel, Tahsil

(3)

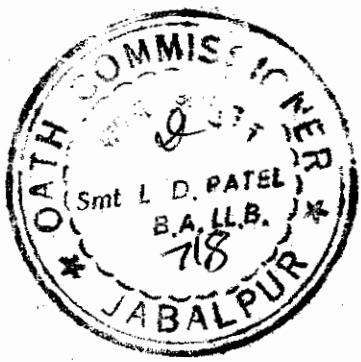
(2)

Tahsil Basna, District Mahasamund,
M.P.

5. The Collector, Mahasamund,
Wihit Chunao Adhikari, Zila
Panchayat Chunao 1999-2000,
Mahasamund, M.P.

✓ 6. The Additional Commissioner,
Raipur Division, Raipur, M.P.

... RESPONDENTS.



PETITION UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA FOR ISSUANCE
OF APPROPRIATE WRITS, ORDERS,
OR DIRECTIONS.

DETAILS OF THE PETITION.

(121)

आदेश पत्रक

मामला क्रमांक

W.P.No. 4705 /

सन् 2000

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>07/05/2003</u> Shri Ashish Shrivastava, counsel for the petitioner. Shri Awadh Tripathi, counsel for the respondent. Ku. A.S. Chouhan, PL for the State. Head. Though the matter is listed for orders on M.W.P.No. 329/2002 on the prayer of counsel for the petitioner and with the consent of learned counsel for the parties, the matter is being disposed of. Admittedly, the petitioner, the respondent no.1, 2, 3 and 4 had contested the election to the office of Member of Zila Panchayat, Mahasamund in which the petitioner was declared elected. Subsequent thereto the petitioner contested the election for the office of the Vice Chairman of Zila Panchayat, Mahasamund and was declared elected. However, his election was called in question by respondent no.1 by way of election petition under Section 122 of the M.P. Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993. The main ground on which the petitioner's election is challenged, is that Ward No.10 from which the petitioner was elected was reserved for Other Backward Class category and as	

[पीठ देखिये]

122

आदेश पत्रक

WP-4206/08

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the petitioner does not belong to that class, his election was liable to be set aside. The election petition was opposed on the ground that the petitioner was a member of the OBC and a caste certificate was filed in support of his case. However, in view of the Government Notification dated 12/12/1988 issued by the Department of SC, ST and Tribal Welfare, Government of M.P. the election petition was allowed and the petitioner's election to the office of the Member of Zila Panchayat, Mahasamund was annulled. Further in exercise of powers under Rule 29 of the Madhya Pradesh Panchayat (Election Petitions Corrupt Practices and Disqualification for Membership) Rules, 1995, the petitioner was debarred from contesting any election for a period of six years. Learned counsel for the petitioner does not challenge the finding as regards setting aside the petitioner's election on the ground that he does not belong to the OBC. He, however, challenges his disqualification for six years imposed on him by the Tribunal in exercise of powers under Rule 29 of the Rules of 1995. It may be mentioned that the petitioner claimed to be a member of the OBC in view of M.P. Government Gazette dated	

[पीछे देखिये]

- 3 -

7/9P

आदेश पत्रक 4706/01

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8/2/1985 and Entry no.80 whereof Sikh Harijan was treated as a member of the OBC. However, this entry was subsequently deleted sometime in the year 1988. A certificate stating that the petitioner was a Sikh Harijan was filed. In this view of the matter, oral objection raised by respondent no.1 was rejected. Learned counsel for the respondent no.1 very fairly stated that since election of the petitioner was not called in question on the ground that ^{the} petitioner indulged in corrupt practice, his disqualification from contesting further election under Rule 29 of Rules, 1995 is not proper and to this extent he does not oppose the said petition. In the above view of the matter, the order declaring the petitioner to be disqualified for the Membership of Panchayat for a period of six years under Rule 29 is hereby quashed. To the extent indicated above, the petition is allowed. Consequently, M.W.P. Nos. 329/2002, 868/2003, 1136/2003 and I.A.Nos. 2898/2002 and 3519/2003 also stand disposed of. Parties to bear their own costs. Certified copy as per rules.	

Sd/-
P.C. Naik
Judge

[पीठे देखिये]

28/12/01
16-12-01
23-9-15